

a time. We can do that at night. We can work day and night for the next 3 weeks.

I would like to do the H-1B. I tried to offer an agreement that could have led to 20 amendments. That was objected to on the other side. I am trying to find a way to get all these good things done. I will continue to try and hopefully we will be able to work out an agreement to consider them all. These appropriations bills are high priority. That is the people's business.

If we do not get the appropriations bills done, Housing and Urban Development is going to have a problem with housing in which they are involved. The energy and water appropriations bill has a lot of very important energy- and water-related issues. Certainly both sides of the aisle would like to see us get to the Agriculture appropriations bill at the earliest possible date, hopefully next Tuesday at the latest. Those are all the things we have to do.

I want to make sure—I am willing to go to H-1B right away, pass it or to get some agreement that will not take 3, 4 days on one bill in among all these other urgent bills we have to do.

Mr. REID. If my friend will allow me—

The PRESIDING OFFICER. Is there objection?

Mr. REID. If I may make a statement on my reservation. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. We really should have H-1B passed. It does not mean everybody is in favor of it, but it is something that needs to be done. It is very important legislation. We need to have the matter debated. I hope the leader will take back the colloquy today. The Senator misspoke. He said 20 amendments. I think he meant 10 amendments with five on each side. Ten on each side would be a deal. We can do that this instant. I think the majority leader made a mistake.

Mr. LOTT. Actually, it is five on each side, which would be 10, plus second-degree amendments would have been in order, which could have brought it to 20.

Mr. REID. I hope the Senator will withdraw his unanimous consent request; otherwise, we will object to it. We first should see if it can be brought up and debated as any other matter. I think I know the answer to that question. Then the Senator should review his suggestion that we have five amendments per side and, of course, if relevant includes immigration-related and training-related amendments, we may not be able to do five. But I did indicate to the Senator, we were already down to seven. We are down to seven amendments on our side. We would agree—

Mr. LOTT. Seven amendments on H-1B or seven amendments on estate tax.

Mr. REID. H-1B. We should revisit this issue. If the Senator wants to re-introduce his unanimous consent re-

quest tomorrow, fine. Let's see if we can come up with something that will meet the timeframe of what the majority leader wishes. As I have indicated, this is not my preference in doing business, but this legislation is very important, and I want to spread upon the RECORD the fact we are not trying to hold up this legislation. The minority wants to move forward, as Senator DASCHLE indicated today. If the Senator persists in his unanimous consent request, I will object. I hope the Senator will withdraw that and see if in the next 24 hours we can work something out on this important legislation.

Mr. LOTT. So the record will be clear, I am trying hard to find a way to get this considered. I won't insist on my unanimous consent request, but since we are working night and day and looking for ways to get these things done, if you are down to seven, if you can get it down to five relevant amendments, and we can continue to work on this, maybe this would be a bill we could do at night the third week, but we are willing to see if we can find a way to get it done.

Mr. REID. I think this is Mississippi math because we started at 10 and kind of split the difference.

Mr. LOTT. No, no. It was 5 and 5.

Mr. REID. No, but it was 10 on our side. We said 10; you said 5. But now I said we are down to 7.

Mr. LOTT. You are headed in the right direction. Just keep working. You are making progress.

Mr. REID. So I hope we can work something out on this. In the meantime, Mr. President—

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I am a little uncomfortable with the discussion here. The discussion is: Under what conditions will the majority leader allow us to consider this bill? I understand that amendments are inconvenient, but the rules of the Senate allow people to be elected to the Senate and offer amendments and consider legislation.

The unanimous consent request offered by the majority leader was to take up this bill and pass it without any discussion or any amendments. Now there is a negotiation here saying: Maybe I will allow it to be brought to the floor if the Senator from Nevada would, on behalf of his side, agree to no more than five amendments.

The fact is, it seems to me if we fretted a little less about what someone might do when they bring something to the floor and started working through it, it would probably take a whole lot less time.

I happen to be supportive of the H-1B legislation, but I am not very supportive of some notion of anybody in

the Senate saying: Here are the conditions under which we will consider it—and only these conditions—and if you don't like it, we won't consider it.

I hope the Senator from Nevada—if the majority leader insists on his unanimous consent request—will make a unanimous consent request following that similar to the one suggested by the Senator from Massachusetts, a unanimous consent request to bring the issue to the floor under the regular order at this time.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. REID. If the Senator would withhold, I do ask unanimous consent that the H-1B legislation be brought before the Senate at this time, that we be allowed to proceed on that.

Mr. LOTT. Mr. President, I withhold that UC request I made, but I object to the one that was just made.

The PRESIDING OFFICER. Objection is heard.

#### MORNING BUSINESS

Mr. LOTT. Mr. President, I renew my unanimous consent request that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. WARNER. Mr. President, while the distinguished leader is on the floor, there was some hope we could bring up the military authorization bill tonight. Senator LEVIN and I consulted with you on this, I say to the majority leader. We will have for our joint leadership tomorrow a list of amendments, with time agreements, and be ready to go. I say to the majority leader, you can splice this in as you see fit. I assure the majority leader—I see my distinguished colleague from Michigan on the floor—my colleague from Michigan is ready to join me on this. We will present to our joint leadership specific germane amendments on the list, and move along on this bill.

Mr. LOTT. Mr. President, if the Senator would yield, I am not sure what that means. That means, I think, you are not going to be able to consider any amendments tonight.

Mr. WARNER. That is correct. We made a strong effort.

Mr. LOTT. When you say you will present a list of amendments, and will try to work them through the process, that does mean, I take it, the amendments still would be debated, if they have to be debated.

Mr. WARNER. That is correct.

Mr. LOTT. Tuesday night.

Mr. WARNER. Tuesday night.

Mr. LOTT. The votes would occur on Wednesday morning, if any?

Mr. WARNER. That is correct.

Mr. LOTT. Do you have any amendments where there would be a need for a vote in the morning?

Mr. WARNER. Not tomorrow morning, I say to the leadership.

Mr. LOTT. Can you give me an idea about how many nights might be involved here because we are already beginning to think about another bill next week.

Mr. WARNER. I listened to that very carefully. I would say that with three evenings we can do it. And there may be a juncture during the course of the day when there could be an hour or two. If you give us a ring, we will have an amendment to plug in for that brief period of time.

Mr. LEVIN. If the leader will yield, it would be very helpful—I know it is difficult, and I have not had a chance to speak to my chairman about this, but if we knew in advance about when we would start the evening proceeding, I think that would help us line up some amendments.

Mr. LOTT. I believe sort of the gentlemen's agreement we were talking about last week was that we would start at about 6:30 or 7 o'clock, but not later than 7, and hopefully as early as 6:30 tomorrow night, possibly even Wednesday night. Thursday night is not likely. So then you might have to look at next Monday night for the third night, if a third night in fact is used.

There is a possibility we will reach a moment of lull or we will see an hour or two coming sometime during the day, and we will call quickly and ask for the managers to come over and do some of their work.

Mr. LEVIN. That would be good.

Mr. REID. Mr. President, if I could, just being involved on the fringes of this legislation, I think with the work of Senator LEVIN and Senator WARNER, they will complete this in two nights.

Mr. LOTT. I like the sound of that. Good luck.

Mr. WARNER. I thank our distinguished leader.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I understood we are in morning business at this time. Are we moving toward the Defense authorization bill? If we are moving on the Defense authorization bill, I will withhold.

The PRESIDING OFFICER. We are in morning business.

Mr. KENNEDY. I see my friends from Michigan and Virginia. Anytime they are prepared to request the floor, I will yield time.

#### H-1B VISAS AND ELEMENTARY AND SECONDARY EDUCATION

Mr. KENNEDY. Mr. President, I just want to take a moment of the Senate's

time to speak about the two issues that have been talked about recently. One is the H-1B visa issue, to which the majority leader referred, as did Senator REID and Senator DORGAN, which will lift the caps so that we can have available to American industry some of the able, gifted, and talented individuals who have come to this country and who can continue to make a difference in terms of our economy.

We are in the process—at least I thought so, as a member of the Immigration Subcommittee—of working with Senator ABRAHAM from the State of Michigan, in working that process through to try to respond to the concerns that the leadership have; and that is that we debate that issue in a timely way, with a limited number of amendments, and that we reach a final conclusion in a relatively short period of time.

I had believed that those negotiations, at least from our side, were very much on track. During the negotiations, we had talked to the White House as well as with the House Judiciary Committee members, all of whom have an obvious interest.

So it did come as kind of a surprise—not that we are not prepared to move ahead. I would be prepared to move ahead even this evening. I do not know where the Senator from Michigan, who has the prime responsibility for that legislation, is this evening. He is not on the floor. But he has been conscientious in addressing that question.

One of the fundamental concerns—as we move toward permitting a number of individuals who have special skills to come in and fill in with the special slots that are crying out for need in our economy—is a recognition that, within our society, these are jobs that eventually should be available to American workers. There is nothing magical about these particular jobs—that if Americans have the opportunity for training, for additional kinds of education, they would be well qualified to hold these jobs.

Many of us have believed, as we have addressed the immediate need for the increase, that we also ought to address additional kinds of training programs, so that in the future we will have these kinds of high-paying jobs which offer enormous hope and opportunity to individuals, as well as the companies for whom they work, being made available to Americans. We discussed and debated those issues with the Judiciary Committee. We made pretty good progress on those issues. So I think there is a broad degree of support in terms of trying to address that issue.

But there are also some particular matters that cry out for justice as well. When you look back on the immigration issues, there were probably 350,000, perhaps 400,000 individuals who qualified for an amnesty program that was part of the law. As a result of a court holding that was actually overturned, all of these individuals' lives have been put at risk and, without any

degree of certainty, subject to instances of deportation. So we wanted to try to address this issue. It seems to me that could be done in a relatively short period of time. It is a question of fundamental decency and fundamental justice.

We treat individuals who come from Central American countries differently, depending upon which country they come from. Therefore, there was some desire we would have a common position with regard to individuals. Senator MOYNIHAN had introduced legislation to that effect. That is basically a question of equity. There are really no surprises. It is not a new subject to Members of the Senate. It is something about which many of us have heard, on different occasions, when we have been back to see our constituencies.

These are some of the items that I think we could reach, if there were differences, a reasonable time agreement. But they are fundamental in terms of justice and fairness to individuals and their families.

If we are going to consider one aspect of change in the immigration law, it is not unreasonable to say if we are going to address that now, we ought to at least have the Senate vote in a responsible way on these other matters in a relatively short period of time so the Senate can be meeting its responsibilities in these other areas. So I look forward to the early consideration of this bill.

This isn't the first time we have dealt with the H-1B issue. We made some changes a few years ago. We were able to work it out in a bipartisan way. There is no reason that American industry should have concern that we are not going to take action. We will take action. Hopefully, we will do it in the next 3 weeks. There is no reason we should not.

The other issue is the question of elementary and secondary education. I certainly understand the responsibilities we have in completing Defense authorization, which is enormously important legislation. I am heartened by what the majority leader has said with regard to the follow-on in terms of elementary and secondary education. That is a priority for all American families. We ought to debate it. The principal fact is that we have debated it for 6 days and we have had seven amendments. Three of them were virtually unanimous. We didn't have to have any rollcall votes. On 2 of the 6 days, we were restricted because we were forbidden to offer amendments and have votes. We haven't had a very busy time with that as compared to the bankruptcy legislation, where we had 15 days and more than 55 amendments.

In allocating time, we are asking for fairness to the American families on education. If the Senate is going to take 15 days and have 55 amendments on bankruptcy legislation, we can take a short period of time—2 or 3 days—and have good debate on the question of elementary and secondary education,